

CHARLES JOHNSON

(Name)

P.O. Box 5101

(Address)

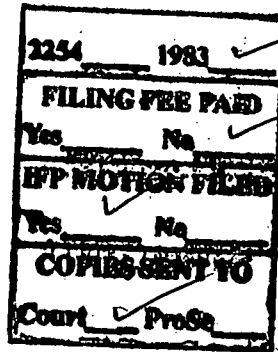
DELANO CALIF 93216

(City, State, Zip)

H54577

(CDC Inmate No.)

ORIGINAL



FILED

2008 JUL 11 PM 2:52

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIABY Rm DEPUTY

United States District Court
Southern District of California

CHARLES JOHNSON

(Enter full name of plaintiff in this action.)

Plaintiff,

v.

A. FIGUEROA; T. DAVIS; L. GUTERREZ;
SGT. PRECIADO; O. BELL; G. STRITTON;
R. DELGADO; N. GRANNIS;
L. SCRIBNER; R. ORDUNA;

(Enter full name of each defendant in this action.)

Defendant(s).

'08 CV 1242, H JMA

Civil Case No. _____

(To be supplied by Court Clerk)

Complaint Under the
Civil Rights Act
42 U.S.C. § 1983

A. Jurisdiction

Jurisdiction is invoked pursuant to 28 U.S.C. § 1343(a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional authority, list them below.

THIS COURT HAS JURISDICTION

B. Parties

1. Plaintiff: This complaint alleges that the civil rights of Plaintiff, CHARLES,
 (print Plaintiff's name)
JOHNSON, who presently resides at P.O. Box 5101,
 (mailing address or place of confinement)
DELANO CALIF 93216, were violated by the actions
 of the below named individuals. The actions were directed against Plaintiff at CALIPATRIA
STATE PRISON on (dates) 11/21/07, 12/4/07, THROUGH 1/2/08.

(institution/place where violation occurred)

(Count 1)

(Count 2)

(Count 3)

2. Defendants: (Attach same information on additional pages if you are naming more than 4 defendants.)

Defendant A. FIGUEROA resides in UNKNOWN
(name) (County of residence)
 and is employed as a CORRECTIONAL OFFICER. This defendant is sued in
(defendant's position/title (if any))
 his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting
 under color of law: AS A PEACE OFFICER, THIS OFFICER FAILED TO TRANSPORT THE PLAINTIFF
IN A SAFE AND TIMELY MANNER TO PHYSICAL THERAPY AND DENIED THE PLAINTIFF
HEALTH CARE IN VIOLATION OF THE US CONST 6TH, 8TH, AND 14TH AMEND.

Defendant T. DAVIS resides in UNKNOWN
(name) (County of residence)
 and is employed as a CORRECTIONAL OFFICER. This defendant is sued in
(defendant's position/title (if any))
 his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting
 under color of law: AS A PEACE OFFICER, THIS OFFICER FAILED TO TRANSPORT THE
PLAINTIFF IN A SAFE AND TIMELY MANNER TO PHYSICAL THERAPY AND
DENIED THE PLAINTIFF HEALTH CARE IN VIOLATION OF THE US CONST 6TH, 8TH & 14TH AMEND

Defendant SGT. PRECIADO resides in UNKNOWN
(name) (County of residence)
 and is employed as a A SERGANT. This defendant is sued in
(defendant's position/title (if any))
 his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting
 under color of law: AS A PEACE OFFICER, THIS SERGANT FAILED TO TRANSPORT THE PLAINTIFF
IN A SAFE MANNER TO PHYSICAL THERAPY, BUT CITED POLICY AND PROCEEDURE TO JUSTIFY
HIS ACTION AND THOSE OF HIS OFFICER VIOLATING THE U.S. CONST 6TH, 8TH, & 14TH AMEND

Defendant DROWNA resides in UNKNOWN
(name) (County of residence)
 and is employed as a RN. This defendant is sued in
(defendant's position/title (if any))
 his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting
 under color of law: THIS DEFENDANT FAILED TO PROVIDE MEDICAL ASSISTANCE
AS IS REQUIRED UNDER THE ADA.

DEFENDANT D. BELL IS A CORRECTIONAL COUNSELOR CCII AND, IS
 SUED IN AN INDIVIDUAL AND OFFICIAL CAPACITY. AS A PEACE OFFICER
 THIS DEFENDANT RETALIATED AGAINST THE PLAINTIFF BY TRANSFERING HIM TO
 AN INSTITUTION WHERE HIS RIGHT ARE FURTHER VIOLATED.

DEFENDANT G. STRITTON, IS A CAPTAIN AND IS SUED IN AN INDIVIDUAL AND
 OFFICIAL CAPACITY. AS A PEACE OFFICER, THIS DEFENDANT RETALIATED
 AGAINST THE PLAINTIFF BY TRANSFERING THE PLAINTIFF TO AN INSTITUTION WHERE
 HIS RIGHTS ARE FURTHER VIOLATED.

DEFENDANT R. DELGADO IS AN ASSOCIATE WARDEN AND IS SUED IN AN OFFICIAL AND INDIVIDUAL CAPACITY. AS A PEACE OFFICER THIS DEFENDANT RETALIATED AGAINST THE PLAINTIFF BY TRANSFERRING THE PLAINTIFF TO AN INSTITUTION WHERE HIS RIGHTS ARE FURTHER VIOLATED

DEFENDANT N. GRANNIS IS CHIEF OF INMATE APPEALS BRANCH AND IS SUED IN AN OFFICIAL AND INDIVIDUAL CAPACITY AS A PEACE OFFICER THIS DEFENDANT RETALIATED AGAINST THE PLAINTIFF.

DEFENDANT L. SCRIBNER IS THE WARDEN OF CALAPATRIA STATE PRISON AND RETALIATED AGAINST THE PLAINTIFF BY TRANSFERRING HIM TO ANOTHER PRISON WHERE HIS RIGHTS ARE FURTHER DENIED.

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C. Causes of Action (You may attach additional pages alleging other causes of action and the facts supporting them if necessary.)

Count 1: The following civil right has been violated: THE DEFENDANTS DENIED THE PLAINTIFF THE RIGHT TO MEDICAL CARE. (E.g., right to medical care, access to courts, due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Supporting Facts: [Include all facts you consider important to Count 1. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 1.]

THE PLAINTIFF IS HEMIPLEGIC, WITH PARALYSIS IN RIGHT SHOULDER, ARM AND HAND, WHICH CAUSED THE USE OF WAISTCHAINS DURING TRANSPORT TO PHYSICAL THERAPY APPOINTMENTS. THE DEFENDANTS HERE REFUSED TO FOLLOW THE ESTABLISHED POLICY AND ORDERED THE PLAINTIFF TO SUBMITT TO HAND CUFFS. WHEN HE ATTEMPTED TO EXPLAIN TO THE DEFENDANTS THAT WAIST CHAINS WERE ORDERED TO BE USED ON THE PLAINTIFF WHICH WAS ORDERED ON 12/5/07 AND DECLARED BY PHYSICAIN TO BE PERMANENT. THE DEFENDANTS REFUSED TO REASONABLE ACCOMODATION. IN AN EFFORT TO PARTICIPATE IN PHYSICAL THERAPY, THE PLAINTIFF SUBMITTED TO HAND CUFFS WHICH WAS SO PAINFULL THAT THEY HAD TO BE REMOVED AS A RESULT THE DEFENDANTS A. FIGUERRUA AND T. DAVIS TOLD THE PLAINTIFF THAT IF HE DID NOT SUBMITT TO HAND CUFFS THEN IT WOULD BE CONSIDERED A REFUSAL. THE PLAINTIFF ATTEMPTED TO OBTAIN THE ASSISTANCE OF SERGENT PRECIADO, WHO SUPPORTED HIS OFFICERS AND THE PLAINTIFF WAS DENIED MEDICAL TREATMENT. AND WHEN THE PLAINTIFF NOTIFIED THE DEFENDANT WARDEN L. SCRIBNER; N. GRANNIS CHIEF INMATE APPEALS BRANCH; R. DELGADO ASSOCIATE WARDEN OF THE GENERAL POPULATION; G. STRATTON CAPTAIN, AND COUNSELOR D. BELL ABOUT THE UNCONSTITUTIONAL VIOLATION'S THEY TO REFUSED TO ASSIST THE PLAINTIFF EVEN THOUGH THEY KNEW AND HAD AUTHORITY TO PREVENT IT (THIS TREATMENT WENT ON FROM 11/21/07, 12/4/07, 12/5/07, 12/6/07 THROUGH JANUARY 2, 2008) ON APPEAL UNDER THE PROVISION'S OF THE AMERICAN'S WITH DISABILITIES ACT (ADA) THE APPEAL WAS GRANTED.

Count 2: The following civil right has been violated: THE DEFENDANTS VIOLATED THE
RIGHT TO BE FREE FROM AN UNCONSTITUTIONAL RETALIATION
 (E.g., right to medical care, access to courts,
 due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment,
 etc.)

Supporting Facts: [Include all facts you consider important to Count 2. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 2.]

WHEN THE ADA APPEAL WAS GRANTED ON DECEMBER 20, 2007 THE
DEFENDANTS RETALIATED BY NOT ONLY DENYING THE PLAINTIFF MEDICAL
CARE BUT BY TRANSFERRING THE PLAINTIFF TO DELANO'S KERN VALLEY
STATE PRISON THE DEFENDANTS R. DELGADO, G. STRATTON, AND
D. BELL AFFIRMATIVELY TOLD THE PLAINTIFF THAT HE WAS GOING
TO BE SOMEONE ELSE'S PROBLEM. THESE DEFENDANTS ARE MEMBERS
OF THE PRISON CLASSIFICATION COMMITTEE AND TRANSFER PRISONERS
AS THEY PLEASE OR WHEN IT FITS THEIR PURPOSE HERE THE
TRANSFER WAS CLEARLY RETALIATORY IT SERVED NO PENOLOGICAL
JUSTIFICATION; ONLY THAT TO RELEASE THE DEFENDANTS OF THE
CONSTITUTIONAL DUTY TO PROVIDE THE PLAINTIFF WITH TRANSPORTATION
TO AND FROM PHYSICAL THERAPY.

Count 3: The following civil right has been violated: _____

(E.g., right to medical care, access to courts, due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

THE DEFENDANTS VIOLATED THE RIGHT TO BE FREE FROM CRUEL & UNUSUAL PUNISHMENT

Supporting Facts: [Include all facts you consider important to Count 3. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 3.]

THE PLAINTIFF HAS HAD A STROKE, AND IS HEMIPLEGIC, REQUIRED TO BE ON THE GROUND FLOOR, BOTTOM BUNK, WHEELCHAIR, A 4 LEG CANE, AN EXTRA MATTRESS, AN ATTENDANT TO ASSIST WITH MEALS AND OTHER MOVEMENT, A TRANSPORT VEHICLE WITH A LIFT, AND WAIST CHAINS. THESE DEFENDANTS PLACING HANDCUFFS ON THIS PLAINTIFF CAUSED EXTREM PAIN AND SUFFERING AND SERVED NO PENALOGICAL PURPOSE. AND RESULTED IN THE PLAINTIFF MISSING VITAL RENABILITATION THERAPY APPOINTMENTS AND HAS PROLONGED THE LOSS OF THE USE OF HIS RIGHT SIDE EACH OF THESE DEFENDANTS WERE DELIBERATLY INDIFFERENT TO THE PLAINTIFFS SERIOUS MEDICAL NEEDS WHICH WERE APPARENT ON ITS FACE.

D. Previous Lawsuits and Administrative Relief

1. Have you filed other lawsuits in state or federal courts dealing with the same or similar facts

involved in this case? ☒ Yes ☐ No.

If your answer is "Yes", describe each suit in the space below. [If more than one, attach additional pages providing the same information as below.]

(a) Parties to the previous lawsuit:

Plaintiffs: CHARLES JOHNSON

Defendants: SAME AS ABOVE

(b) Name of the court and docket number: THE VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD ~~RECEIVED~~ #G573211

(c) Disposition: [For example, was the case dismissed, appealed, or still pending?] REJECTED.

(d) Issues raised: SAME AS ABOVE

(e) Approximate date case was filed: ON OR ABOUT 2/7/08

(f) Approximate date of disposition: APRIL 22, 2008

2. Have you previously sought and exhausted all forms of informal or formal relief from the proper administrative officials regarding the acts alleged in Part C above? [E.g., CDC Inmate/Parolee Appeal Form 602, etc.] ? ☒ Yes ☐ No.

If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No", briefly explain why administrative relief was not sought.

A STATE OF CALIFORNIA REASONABLE MODIFICATION OR ACCOMMODATION REQUEST CDC 1824 UNDER THE AMERICAN WITH DISABILITIES ACT (ADA) WAS FILED AND GRANTED IN FULL

E. Request for Relief

Plaintiff requests that this Court grant the following relief:

1. An injunction preventing defendant(s): FROM DENYING THE PLAINTIFF MEDICAL TREATMENT, INCLUDING BUT NOT LIMITED TO PHYSICAL THERAPY, TRANSPORTATION TO & FROM, AND PREVENT THE DEFENDANTS FROM HARRASSING, INTIMIDATING, PUNISHING OR RETALIATING.

2. Damages in the sum of \$ 50.000

3. Punitive damages in the sum of \$ 25.000

4. Other: A TOTAL AMOUNT OF \$75.000 . AND NOMINAL DAMAGES, AND OTHER DAMAGES THE COURT MAY DEEM JUST TO INCLUDED THE INJUNCTION TO APPLY TO THE CURRENT INSTITUTION IN WHICH THE PLAINTIFF IS HOUSED AND REMAIN OBEYING.

F. Demand for Jury Trial

Plaintiff demands a trial by ☒ Jury ☐ Court. (Choose one.)

G. Consent to Magistrate Judge Jurisdiction

In order to insure the just, speedy and inexpensive determination of Section 1983 Prisoner cases filed in this district, the Court has adopted a case assignment involving direct assignment of these cases to magistrate judges to conduct all proceedings including jury or bench trial and the entry of final judgment on consent of all the parties under 28 U.S.C. § 636(c), thus waiving the right to proceed before a district judge. The parties are free to withhold consent without adverse substantive consequences.

The Court encourages parties to utilize this efficient and expeditious program for case resolution due to the trial judge quality of the magistrate judges and to maximize access to the court system in a district where the criminal case loads severely limits the availability of the district judges for trial of civil cases. Consent to a magistrate judge will likely result in an earlier trial date. If you request that a district judge be designated to decide dispositive motions and try your case, a magistrate judge will nevertheless hear and decide all non-dispositive motions and will hear and issue a recommendation to the district judge as to all dispositive motions.

You may consent to have a magistrate judge conduct any and all further proceedings in this case, including trial, and the entry of final judgment by indicating your consent below.

Choose only one of the following:

☒ Plaintiff consents to magistrate judge jurisdiction as set forth above.

OR

☐ Plaintiff requests that a district judge be designated to decide dispositive matters and trial in this case.

Date

7-2-08

Signature of Plaintiff

Charles Johnson

Proof of Service by Mail

[Case Name and Court Number]

I declare that:

I am a resident of DE CALIFORNIA in the county of DELANO.

California. I am over the age of 18 years. My residence address is:

P.O. BOX 5101

On 6/26/08, I served the attached 42 U.S.C § 1983 on the

COURT in said case by placing a true copy thereof enclosed in a sealed

envelope with postage thereon fully paid, in the United States mail at DELANO CALIF

addressed as follows:

CLERK OF U.S. DISTRICT COURT, ROOM 4290, 880 FRONT STREET

SAN DIEGO, CA 92101-8900

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on 6/26/08 [date], at DELANO, California.

CHARLES JOHNSON

[Type or Print Name]

Charles Johnson

[Signature]

JS44

(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM)

I (a) PLAINTIFFS

Charles Johnson

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Kern
(EXCEPT IN U.S. PLAINTIFF CASES)

| | |
|-----------------|-------|
| 2254 | 1983 |
| FILING FEE PAID | |
| Yes | No |
| IF MOTION FILED | |
| Yes | No |
| COPIES SENT TO | |
| Court | Prose |

2008 JUL 11 PM 2:51
Figuerola, et al

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY Rm DEPUTY

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Charles Johnson
PO Box 5101
Delano, CA 93216
H-54577

ATTORNEYS (IF KNOWN)

'08 CV 1242 H JMA

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | |
|----------------------------|----------------------------|----------------------------|----------------------------|
| PT | DEF | PT | DEF |
| <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |
- Citizen of This State
Incorporated or Principal Place of Business in This State
Citizen of Another State
Incorporated and Principal Place of Business in Another State
Citizen or Subject of a Foreign Country
Foreign Nation

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

42 U.S.C. 1983

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

| CONTRACT | TORTS | | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES |
|--|--|---|---|--|--|
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> Marine <input type="checkbox"/> Miller Act <input type="checkbox"/> Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> Other Contract <input type="checkbox"/> 195 Contract Product Liability | PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury | PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury-Medical Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. <input type="checkbox"/> Security Act | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395H) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSL (405(e)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609 | <input type="checkbox"/> 400 State Reappointment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State <input type="checkbox"/> 890 Other Statutory Actions |
| REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Tort to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property | CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights | PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input checked="" type="checkbox"/> 550 Civil Rights | | | |

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☐ NO

VIII. RELATED CASE(S) IF ANY (See Instructions):

JUDGE

Docket Number

DATE July 11, 2008

SIGNATURE OF ATTORNEY OF RECORD

R. Mule